

Marshall inquiry begins amidst doubt

by Tony Tracy

The Donald Marshall Inquiry began hearings in Halifax last week amidst much speculation that the original trial was mishandled and an example of a poor and discriminatory justice system.

On Monday, RCMP Staff Sergeant Harry Wheaton testified to the inquiry regarding his involvement in the reopening of the case in 1982, and his subsequent investigation into the conduct of the Sydney Police Force during the original investigation and trial of Marshall in 1971. Wheaton gave an account of his discussions with former Sydney Chief of Police John McIntyre, as well as witnesses who testified at the original Marshall trial.

Wheaton testified that two of the main witnesses, Maynard Chant and John Pratico, admitted to him during the re-investigation that they lied

during the trial as a result of pressure from McIntyre. Wheaton said MacIntyre, when confronted with the statements of the two men, said neither of them could be believed because one was "a born-again Christian and you couldn't believe a word he was saying," and the other was a "bit of a nut case". In regards to Marshall himself, Wheaton testified that MacIntyre said, "those brown-skinned fellows all stick together" and thus could not be believed. As well, Wheaton said he suspected throughout the investigation that MacIntyre was withholding documents from him. He testified that the RCMP did not attempt to obtain a search warrant to find any withheld documents the Sydney Police Force may have had, as this action might have caused a breakdown in relations between the two forces and thus impeded the investigation further.

The re-investigation began in 1982 with the revelation from Marshall's lawyer that Roy

Ebsary had told a friend it was he and not Marshall who had stabbed Sandy Seale. Ebsary later made the same confession to Wheaton in a telephone conversation. However, as Ebsary had been drinking at the time of the conversation, officials from the Attorney General's office deemed that this was not sufficient evidence by which to release Marshall. Wheaton testified that the case at this time became a "very political matter" and had to be followed strictly according to procedural rules.

Wheaton further testified that Mr. Marshall's life in prison could have been easier for him had he confessed to the murder, since by maintaining his innocence, he was denied parole a number of times. Wheaton said, "There's an easy way to do time and a hard way to do time . . . Donald Marshall did hard time." Marshall served more than ten years of his sentence before being released from prison to a

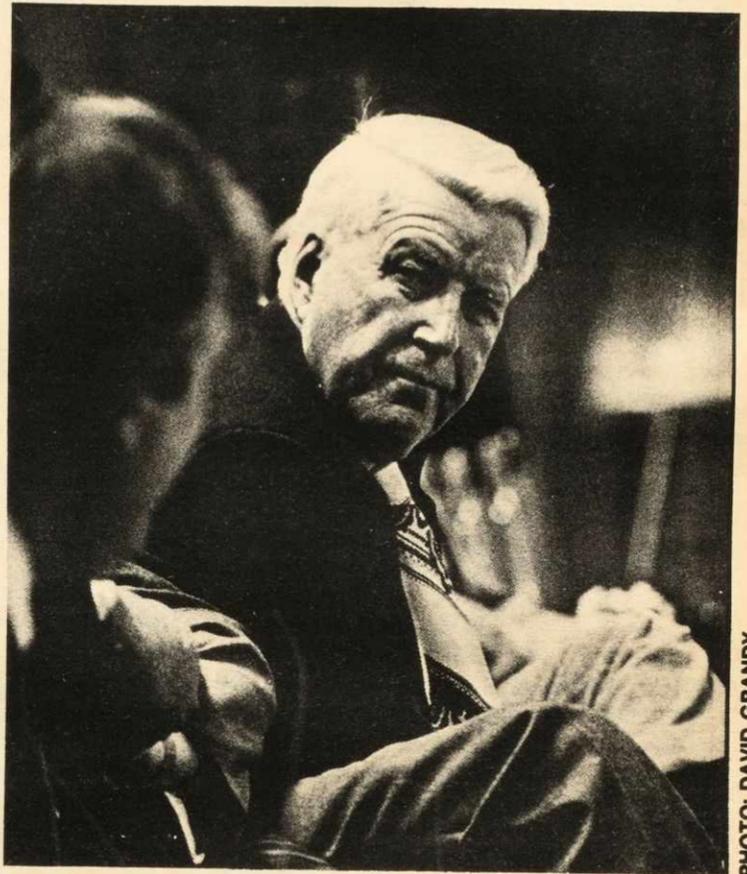


PHOTO: DAVID GRANDY

Former Sydney Chief of Police John McIntyre

Errors in budget lead to resignations

by Ariella Pahlke

Errors in the Law School Society (LSS) budget have resulted in the resignation of the group's president and treasurer.

Marianne Alto and Bob Hanf resigned at a Jan. 11 LSS meeting.

Last fall, the Dalhousie Student Union (DSU) was presented with a budget from the LSS based on a \$2000 deficit. The DSU granted the LSS \$7500, but the

figure presented to the DSU was off by \$10,000.

According to a statement which former president Alto read to the LSS on January 11, two student union cheques, totalling \$6000, were deposited to the LSS account last summer with no ledger entries using loose deposit slips.

The money was only discovered late in October.

"At this time, negotiations for

the \$7500 grant were nearly complete. These negotiations had been painstaking, time-consuming, and exhaustive. Further delays in striking a deal would have left these groups (LSS subcommittees) without significant funding for the remainder of the term," said Alto.

"The decision was made to complete the negotiations without reference to the newly-discovered funds. At that time, it was a reasoned, and reasonable, decision. At this time, it was an error in judgment."

The remaining \$4000 of the \$10,000 miscalculation came from Social Committee revenues and a mutual error (by the DSU and the LSS) about increases in law student fees.

"There was no question of any personal gain," says David Laidlaw, DSU Law Representative.

Concerning the \$6000, he says, "It was a very regrettable mistake not to inform the DSU of our real position. We just don't want this sort of thing happening. People's reputations, and possibly their careers, are at stake. We just want to go ahead right now and get this thing behind us."

According to Laidlaw, "She (Alto) felt the money was ours and she made a conscious decision not to disclose the information to the DSU."

"The DSU have been very reasonable. President Caroline Zayid

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half-way home, and was subsequently completely released.

The inquiry will continue next week, and will hear further testimony of other witnesses in order to determine how an inno-

cent man could have been convicted and made to serve more than ten years in prison. The inquiry will also be hearing testimony on racial bias in the provincial judicial system.

Some movement by university Engineers' picket semi-successful

by Ariella Pahlke

A picket by operational engineers has apparently changed recent decisions based on budget cuts at the Physical Plant.

Two weeks before Christmas, over 100 people gathered outside the SUB to protest the layoff of three boiler room workers. The group consisted mostly of members of the International Union of Operating Engineers (IUOE), as well as members of the Canadian Union of Public Employees (CUPE), the Dalhousie Staff Association (DSA), and students.

After negotiations with the Union, the university attempted to find these men other work, but "They wouldn't have budged an inch if we hadn't had the protest," says Peter Coolen, the Chief Shop Steward who organized the protest.

"They said it was budget cuts, but we felt there was work here for them. Now it appears there is. The man who recommended the layoff has since recommended they be rehired," says Coolen. He feels without these workers, the

other operators will be in a dangerous position if an emergency were to arise.

Since the picket two of the laid-off men been rehired in the boiler room, but only on a temporary basis. The third worker has accepted a job, involving shiftwork and less pay, with custodial services.

Physical Plant director Bill Lord says the Stationary Engineers Act does not specify the number of operators required in specific areas of the plant, only their necessary classification. The number of operators is agreed on by the chief operating engineer, Dennis Simmons, and Lord, the owner. Simmons refused to comment when contacted.

Lord says the three men were laid off because they weren't suitable for the job. "We may indeed recommend that we fill the positions again. I have to look at the budget and weight that with safety."

"Obviously Coolen's agenda is somewhat different from mine, and the picket was an expression of that difference," says Lord.

DSU tax debt massive

by Martin Doucette

The results from the first audit ever performed by the provincial government on the student union are in, and the news is not good.

The university owes \$40,455.43 in back taxes and \$13,764.82 in interest for a total of \$54,220.25.

It seems the provincial government audits all taxable organizations every 4 years. Previously, the student union was skipped.

"The policy in the past was one where the management of the student union discouraged or scared away the tax people by telling them the student union wasn't worth the bother," said Student Union Treasurer Shane Feriancek.

The unforeseen audit took place in December of 1987 and the results were out January 13th. The student union has

been paying interest since then at a rate of 18 per cent cumulative.

The majority of the bill stems from the failure to charge sales tax on services offered by the student union, such as office services, which include printing and photocopying. The other big chunk of taxes owed to the government stems from tax not paid due to consumption by the student union, such as the latest activities calendar.

Under the tax laws, the student union will have to pay for the tax on labour, materials, and printing that go into calendar.

Lawyers are being consulted and the student union has sixty days to appeal the audit for any parts which might be invalidated. In the meantime, the bill will be paid out of a surplus budget set aside for such emergencies.